

**Notice of Allowability**

Application No.

10/779,896

Examiner

Frederick C. Nicolas

Applicant(s)

KNEPLER, JOHN T.

Art Unit

3754

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/17/2004.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/2/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 8/15/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant's attorney Mr. Tom Donovan on 8/15/2006.

The application has been amended as follows:

#### IN THE CLAIMS:

Claim 1, line 16, "the longer of" has been deleted and --longer than-- has been inserted.

Claim 6, line 15, "the longer of" has been deleted and --longer than-- has been inserted.

Claim 11, line 2, "an" has been deleted and --the-- has been inserted; line 2, "a" has been deleted and --the-- has been inserted.

Claim 15, line 2, before "liquid", --the-- has been inserted.

Claim 21, line 14, "the longer of" has been deleted and --longer than-- has been inserted; line 18, before "liquid", --the-- has been inserted.

Claim 27, line 11, "the longer of" has been deleted and --longer than-- has been inserted.

Claim 29, line 9, "the longer of" has been deleted and --longer than-- has been inserted.

***Allowable Subject Matter***

2. Claims 1-43 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious an apparatus for controlled beverage dispensing in a beverage maker in combination with the other claimed limitations of claims

1,6,21,27,29:

"the controller operating the outlet valve to remain open for a time period, the time period being longer than an initial time period and an extension time period, the extension time period being the sum of the initial time period and one or more refill periods".

The prior art fails to disclose or render obvious a method for dispensing a desired volume of liquid using a beverage dispenser in combination with the other claimed limitations of claim 10:

"the steps of: (b) performing a comparison of the volume of liquid dispensed to the desired volume of liquid and in response to the comparison resulting in the volume of liquid dispensed being equal to or greater than the desired volume, closing the outlet valve; and (c) in response to the volume of liquid dispensed being less than the desired volume of liquid, opening the inlet valve for a refill period, the refill period ending when the level sensor senses a liquid level in the liquid reservoir has reached a preselected level".

The prior art fails to disclose or render obvious an apparatus for controlled beverage dispensing in a beverage maker in combination with the other claimed limitations of claim 31:

“the controller operating to adjust an outlet time for operating the outlet valve to remain open after a brew cycle in response to detecting an obstruction in the outlet tube by monitoring the time the inlet valve remains open during a dispensing cycle”.

Further, the prior art fails to disclose or render obvious a method for dispensing a desired volume of liquid using a beverage dispenser in combination with the other claimed limitations of claim 36:

“the steps of: iteratively opening the inlet valve in response to the level sensor sensing the liquid level in the inlet water delivery assembly has fallen below a preselected level and closing the inlet valve in response to the level sensor sensing the liquid level has risen at least to the preselected level, while simultaneously having the controller monitor a second inlet time, the second inlet time being a total time the inlet valve remains open during that brewing cycle; and in response to the difference between the first inlet time and second inlet time being greater than an adjustment trigger time, increasing the second outlet time by an increment”.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

**Conclusion**


3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knepler 5,019,690, Knepler 4,978,833, Vancamp et al. 5,901,634 and Belinkoff 5,434,392 disclose other types of apparatus for controlled beverage dispensing.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN  
August 15, 2006

 8/15/06  
Frederick C. Nicolas  
Primary Examiner  
Art Unit 3754